

15th February 1958]

(3) THE MADRAS CULTIVATING TENANTS' PROTECTION AND PAYMENT OF FAIR RENT (AMENDMENT) BILL, 1958 (L.A. BILL NO. 1 OF 1958).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman.
- 2 Sri K. Balasubramanya Ayyar.
- 3 „ T. P. Srinivasavaradan.
- 4 „ T. V. Devaraja Mudaliar.
- 5 „ T. S. Arunachalam.
- 6 „ A. Somasundara Reddiar.
- 7 „ A. Krishnaswamy Vandayar.
- 8 „ T. S. Sankaranarayana Pillai.”

The object of the Bill is to translate the provisions of the Ordinance into an Act. Hon. Members will be aware that two pieces of legislation have already been passed, viz., the Cultivating Tenants Protection Act and the Fair Rent Act. These Acts apply to a category of tenants called cultivating tenants defined in the respective Acts. During the working of these Acts, it was found that there were other kinds of tenants called by others as casual labourers or pannaiyals who were attached to the land, who depended on the land and who worked on the land. The question arose particularly in the Tiruchirappalli district whether this sort of tenancy called kaieruvaram and matteruvaram would come within the scope of the definition of ‘cultivating tenant’. Now, it has been decided by the High Court that these categories of tenants would not come within the scope of that definition. The necessity for the Ordinance has arisen in such circumstances. Though this category of tenancy prevails only in certain parts of Tiruchirappalli and may not prevail elsewhere, yet my information is that it applies to about 4,000 acres of land and that hundreds of tenants come under it. The difficulty about the definition of ‘cultivating tenant’ was taken advantage of by certain political parties which started an agitation and egged on the people to clamour for rights under the two Acts which I have mentioned. This demand was naturally resisted by the mirasdars not only on the ground that they were claiming something which they did not deserve but that they did not come under the definition of ‘cultivating tenant’. They also tried to evict the tenants and bring their land under pannai cultivation or personal cultivation, since they were aware that a legislation might be set in motion for putting a ceiling on holdings. This created a situation

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in which there was not only a sort of economic and social disturbance but it disturbed the law and order position also. The Government watched the situation in the hope that it would settle down through the interference of officials, with the good sense of the tenants and the co-operation of the mirasdars. But it did not. It was developing into an ugly situation. So, the Government could no longer remain passive spectators. They had to take some action to see that there was no disturbance of the peace and that there was no interference with normal cultivation in those areas. The Government now give first priority to increased production of food. So, they cannot allow these squabbles between the mirasdars and the tenants to affect cultivation. It is in these circumstances that we issued the Ordinance clarifying the position. Though the category of tenants there cannot be on a par with other kinds of tenancy, yet they are in a way tenants, in the sense that they work on the land, depend on the land and are wedded to the land. Therefore, a certain amount of fixity of tenure is necessary for them. The very object of passing the Cultivating Tenants Protection Act was this. We cannot remain silent when hundreds of people are evicted and driven away from the land. Therefore, the Government thought that the definition of 'cultivating tenant' in the two Acts should be expanded so as to include these people also. They should also get a just and reasonable remuneration for their work and so, the Fair Rent Act also is applied to them. According to the Fair Rent Act, the whole of the cultivation expenses is sought to be borne by the tenant. Therefore, a clause has been introduced in this very Ordinance that inasmuch as the cultivation has already taken place, the cost of cultivation incurred by the landlord will be deducted. But, somehow, I understand Sir, that a misleading impression obtains in the area that without consideration of this, the 60 and 40 formula should be applied. The Government have, therefore, to clarify these points so far as the present harvest season is concerned. There are other small difficulties and all these must be gone into by the Joint Select Committee. That is why, Sir, we thought it fit to refer the Bill to a Joint Select Committee and I give the assurance that the Government will give detailed consideration to these facts and will come to a proper decision.

MR. CHAIRMAN : Motion moved—

“ That this House concurs with the Assembly in getting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman.
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- 5 Sri T. S. Arunachalam.
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8 „ T. S. Sankaranarayana Pillai."

* SRI K. BALASUBRAMANYA AYYAR: I am sorry, Sir, that I have to oppose the Bill with all the vehemence that I can command. This Bill . . .

* SRI P. S. KRISHNASWAMY AYYANGAR: On a point of order, Sir. In the papers I read a few days ago that a writ petition had been filed for a declaration that Ordinance No. 1 was void and that a temporary stay of the operation of the Ordinance had been granted. That is what I remember to have read. If the High Court finally decides that the Ordinance is null and void, then all proceedings that we are now conducting in this House will also become null and void. In these circumstances, shall we be in order when we take up this question now? Shall we stop here without proceeding further or shall we proceed with the consideration of the Bill? That is the point of order that I wanted to raise.

MR. CHAIRMAN: The discussion is not on the merits of the matter before the Court. The general discussion is on the principles of the Bill. The hon. Member Sri Balasubramanya Ayyar may continue his speech.

* THE HON. SRI M. A. MANICKAVELU: Sir, I may submit that the writ petition has been filed by certain parties concerned and that the stay operates only in the case of those people who have filed it. The stay is there as far as the parties are concerned, but the Government are considering the set-up of the agricultural sector. The question of legislation is there. The Court is there to interpret. I don't think that there will be any difficulty.

* SRI K. BALASUBRAMANYA AYYAR: Sir, this Ordinance was passed nearly nine or ten months after the decision of the High Court in April 1956. There was a session of the Legislature in October. It was after this that this Ordinance was passed and this Bill is now brought forward. It is very inappropriate and very wrong on the part of the Government to have done that. There was no hurry. On the other hand, what happened was that there was a riot in Peramoor. The riot was very serious because all the labourers there began to claim payment and right of tenancy. The very term "tenant"—I mean the exact expression "tenant"—is well known to mean a person engaged either expressly or impliedly to pay rent to the landowner either in cash or in kind and in exclusive possession of the land for cultivation purposes throughout the year. But here I am referring to the ordinary labourers claiming tenancy rights.

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I have a friend who took 16 acres for personal cultivation and gave the rest to tenants. But, on account of the activity of the Communists, he could not get labour. All ordinary labourers began to claim 60 per cent of the produce. Unfortunately, people there could not do anything. They asked for a number of people in the neighbouring villages to come and work. Immediately there was rioting between the communities. That was what happened. Therefore, what I say is that we must be careful while dealing with the agrarian problem. Merely to say that old traditions die hard will not please anybody. Old people die hard.

You have made a clear distinction between the tenant and other persons in the Payment of Fair Rent Act. What I am saying is that there is no such thing as a "one-fourth" or a "three-fourth" tenant in law. The High Court, Sir—I am referring to the High Court only for this purpose—in a beautiful judgment analysed this fully. It has given a very succinct analysis of the position.

I may point out, Sir, that there are a series of operations in cultivation. If each of the persons engaged in those acts is to be termed "tenant", then nothing will be left to the landholder. For instance, there are the kaieruvaramdars and the matteruvaramdars. I am sorry to say that the Governor was not able to pronounce those words correctly. The Hon. Minister was not also able to pronounce them. And I am definite many others also cannot pronounce them correctly.

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Before 1955 these words were not known. It was only in 1955 on account of the actions of a Collector there, against whom the High Court made very strong observations, that these words came to be used. But the Government did not act on those observations. What happened in this particular case? Any officer who said that he was not a cultivating tenant was immediately transferred but in spite of that, the respondents themselves there stated what the nature of the case was.

Sir, the person who puts his hand to the plough is called *kaiaeruvaramdar*. If he attends to transplanting and weeding work—that is not part of his work and he cannot be compelled to do so—he is separately and additionally remunerated for such labour. Even that thing can be done by the womenfolk for which remuneration called *Minvai* at customary rates is given. This works out to one kalam per acre. This is not a share in the produce but is a fixed quantity dependent upon the extent of land on which these transplanting and weeding operations are carried out. In several of the taluks water flows freely into the lands and the distribution of water is made by *Thanneerkattuvaramdar*. He impounds water which is freely coming from the Cauvery and he gets one marakkal per acre. Watching is the responsibility of the landowner. All the responsibilities are his and all the rights belong to others. *Kaiaeruvaramdar* has nothing to do with that duty. The uniform evidence in the case is that if the crops from

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the fields are stolen or lost, the varamdars are not responsible. (Interruption from Sri Gajapathy Nayagar) I am here to say what the position there is.

Harvesting is done by the landowner himself and it is the responsibility of the landowner to engage coolies for harvesting the crops and the customary remuneration paid for such services is four marakkals per acre. The other operations in connection with the harvesting of crops such as *Poradi* are also the responsibility of the landowner who might engage his own men for the purpose. In some cases, the mattuvaramdars and kaiaeruvaramdars may assist the landowner in these operations but they must be given separate remuneration. After the harvest is over, the net produce of the harvest is calculated after deducting from the gross produce the several items remuneration paid or payable for the services rendered by other labourers in connection with the agricultural operations such as *Minvai*, *Thanneervaram*, *Kavalvaram*, *Aruvadaivaram* and *poradivaram*. These are all the operations. Cultivation consists of a series of operations. For each one, some name is given and some remuneration is given. Further it is stated in the judgment of the High Court as follows :—

‘I have not thought it necessary to refer specifically to the witnesses from whose evidence the incidents I have set out above have been gathered in view of the course of the arguments before me and also of the analysis of the evidence of the several respondents themselves before the Revenue Court, which the learned counsel in the case have compiled for me from which all these have been deduced.’

Therefore, all these facts are admitted in the High Court. Where is the engagement of tenancy? They are mere farm servants and they are remunerated.

Sir, there are 1,300 pattadars who own less than 20 acres. How can the Government fix the ratio of 60:40? It would only mean that the landlord cannot have personal cultivation and that he cannot have anything to do with the land. How can a person who does only ploughing work be given 60 per cent of the share? I say he cannot be given so much and he can be given only wages. But the landlords have been forced to pay such a share and they are thus driven away from the land. After all, these people are not tenants and the relationship between the landlord and the farm labourers should be that of a master and a labourer. Sir, the original Cultivating Tenants Protection Act was intended for one year but afterwards it was extended for three more years. It will be in force till September 1958. The Government may bring forward another legislation for the purpose of extending it for four more years. They may even put the Act permanently on the Statute-book. I do not want to say now anything about the policy of the Government in respect of this matter. But how can they immediately apply the provisions of this Act and fix the share in

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the ratio of 60 : 40? They also say that the Act will apply to the present harvest done in this month of February. Who will ascertain the cultivation expenses? If the landlord says that it is 100 kalams, the other party will say that it is only 40 kalams. Who is to settle the issue? The Government have no machinery to settle it. Also, how can they apply the Fair Rent Act? If these issues are to be determined by the Revenue Court, five years' records should be brought there and a number of witnesses should be examined, and that will take three months. So, this machinery of the Government is entirely unsuitable to decide these issues of fair rent and cultivation expenses. That is why even without hearing the arguments, the High Court said that there was a *prima facie* case for the suspension of the Ordinance, especially section 5 thereof. Therefore, I would humbly request the Government to think of helping these people who are in trouble.

Sir, when a Member belonging to the Communist Party introduced a Bill in October 1957, the Government said that that Bill was not necessary and that they themselves would try to introduce it as a Government Bill. In this connection, I am reminded of the old story of the mother-in-law and the daughter-in-law. When a beggar came, the daughter-in-law asked him to go away. Immediately came out the mother-in-law who said that she had no right to ask him to go away and the mother-in-law herself asked the beggar to go away. That is the exact way in which this matter has been decided. The Government said that they would not accept a private Member's Bill but that they themselves would introduce the same Bill which is now before this House. Of course, there might be a slight difference.

DR. V. K. JOHN : Who is the mother-in-law? Is it the Hon. Minister concerned?

* SRI K. BALASUBRAMANYA AYYAR : I am not going to say who is this mother-in-law or daughter-in-law.

Father-in-law is not in the picture at all. (Dr. A. Sreenivasan : He has been liquidated.)

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Then, what has happened now? The Communists—these are facts and I am not exaggerating—now preach that the tenants should have symbolic possession and, therefore, they ask them to go and plant a red flag on the land and come out. They plant the red flag and say, 'I have already possession of this land' because, as a tenant, one 'should be in possession of the land'. Like an invasion, it is going on. I am not blaming the Government and I do not think our Government will ever be apathetic to a situation like that. I believe they have been apprised fully of all facts and all representations have been made to them. But immediately the High Court interfered in this matter they thought, 'There must be something wrong: let us have an Act passed which will settle the whole matter'. Well, the High Court had to interfere, for there was no other go. The evidence was clear and there was

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no contrary evidence. That was all the reason for their interference. The affidavit itself was clear. Therefore, I would appeal to the Government at least to suspend section 5 for the present, until the harvest is over. There is nothing wrong in that; nothing will go wrong. On the other hand, there will be some peace in the land. Otherwise, even ordinary servants employed for personal cultivation demand these rights. They are also poor and they are guided by these great leaders of thought and ideologies in our country. What are we to do? They go on egging on these people to agitate, promising them so many things. They tell them, 'We will get you 75 per cent while the Government have given you only 60 per cent.' 'If I put it at 75 per cent, the Government will give you 80 per cent' out comes a man on the platform and shouts. I am not suggesting that the Government will do that. But they are suggesting all sorts of things, and the people are poor and they have land-hunger. Even if you give them one or two acres, they will welcome it. The trouble will arise only when you hand over the land to them. For, who will give them seeds, who will give them manure and who will supply all the other necessities for cultivation? Therefore, it is necessary that there should be landlords. If you do not want to have 'landlords', you must have them as agents, for the Government themselves will not be able to cultivate. As already they are not able to manage their own affairs. That being so, how can they manage the other people's affairs? Let us not try to liquidate the class of landowners, by putting them to unnecessary trouble and subjecting them to useless laws. I am not blaming the Government. People are claiming all sorts of rights. They, as tenants, want so many things and the Government have passed legislation to satisfy them in many respects.

SRI A. M. ALLAPICHAJ: Even then the hon. Member opposed it.

* SRI K. BALASUBBRAMANYA AYYAR: Yes. Even now I oppose them. (Interruption by Sri A. M. Allapichai). For that purpose, if you and I should talk, we will talk about it, but let us go out. (Laughter). That previous law is extended up to September 1958 and they will bring it again for giving it further life and then I shall mention all my objections again.

Now, Sir, in all these matters it is better to have a fact-finding committee in the beginning. Let them appoint any person, an impartial man, of their own. I do not have any objection. Let them have a fact-finding committee to find out all the facts. Let them think over them for themselves and then proceed with any measure they want to take. Otherwise, they will be believing all sorts of things that are dinned into their ears—I am saving this to both sides of the House. I do not say that everyone will be always fair and impartial. Therefore, it is better to have a fact-finding committee. But if they appoint a person like Mr. Malayappan,

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the Collector of Tiruchirappalli, that is impossible. Of course, I have nothing to say personally against him. But I have heard about the case where he asked some of the tenants who were usually obedient to the landlord to take their seats before him. This case was related to me by the agent of the landlord and, therefore, I am referring to it here. When the Collector asked the tenants to squat on the land, some of them hesitated and then the landlord asked the Collector's own peons to come and sit there on the next chair. The Collector objected, 'No, no. Why should they sit along with me?'. It is also the same case with tenants and landlords, though the tenants have been treated as 'our servants' and respected as such. That was the position before this case arose. Therefore, I say because these cases were started by the Collector, people with such mentality should not be chosen. When Collectors become politicians, administration will go bad. Fortunately, many of them are not so. I do not think of Mr. Gajapathy Nayagar and others. (Interruption by Sri A. Gajapathy Nayagar) I would very much regret if you are appointed Collector. I have no objection to your being appointed Judge.

SRI A. GAJAPATHY NAYAGAR: You must have faith in men.

* SRI K. BALASUBRAMANYA AYYAR: May be I have no faith. But I have faith in you. (Laughter).

SRI A. GAJAPATHY NAYAGAR: I asked a question, but you have not answered that and clarified things. You misunderstand me.

MR. CHAIRMAN: No, no. Do not put questions now.

* SRI K. BALASUBRAMANYA AYYAR: I tried to answer you, but if you are not satisfied, I cannot help.

Therefore, my appeal to the Government is to find out the facts of the situation first and see that peace prevails in that portion of our State. The five taluks bordering on the Cauvery are places producing a good deal of paddy. Therefore, let us not seriously interfere with production. There will be no peace there if this Bill is passed. Further, direction should be given to the Police to see that no trouble arises there until the present harvest is completed and the produce properly distributed. It is a public duty of the Government and I want them to discharge that duty. I have no lands myself there and I have no axe to grind.

Finally, I implore the Government to wait a little, as the High Court has already passed a suspension order. Let them wait until they settle all the rights of the parties and see that the harvest is fully shared by all the parties. If they do that, next year cultivation will go on in peace.

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DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, when day before yesterday, in the course of my speech on the Governor's Address, I insisted on the Government withholding their hands from bringing in large-scale reforms, I never thought that within a couple of days, a flagrant instance like this would come to our notice. I strongly deprecate any Government doing things in the manner in which our Government are attempting to do now, simply because they have a majority behind them who will agree to all these measures.

There is another point. When the hon. Member Mr. Rajan was stating the other day that it would be desirable and that it was certainly a healthy practice that no High Court Judge should be the Governor of a State, I little realised how soon I would have to support him in that plea. I am shocked to find that this Ordinance has been signed under compulsion. I may say that the Governor by any volition of his own under the Constitution would not have done this. I am sure, Sir, nobody would have been in greater pains in signing this particular Ordinance than the former Chief Justice of the High Court of Madras.

Coming to the relevant points, I am aghast when the Government try to define a tenant. Tenancy and tenants are well-known expressions. Take the English Encyclopaedia—you will try to abolish that encyclopaedia—take the Tamil Encyclopaedia. I would ask the Hon. the Revenue Minister to find out what the exact definition of 'tenant' is from the Tamil Encyclopaedia that has been printed here. Here we are asked to state that a 'cultivating tenant' means "a person who carries on personal cultivation on such land, under a tenancy agreement, express or implied" and "any such person as is referred to in sub-clause (1) who continues in possession of the land, etc." and "in the Tiruchirappalli district"—mark the words "district of Tiruchirappalli", not any other districts—"Kaiaeruvaramdar or a Mattuvaramdar". Therefore, if I happen to send four *Madus* or bulls to a Tiruchirappalli landlord, I have the right to claim to be a tenant according to the definition here, and the Hon. the Revenue Minister knows what I can get out of that. Well, Sir, I have never seen a more strange piece of legislation in my life and the Ministers of Madras may be congratulated on presenting an Ordinance and converting it into law. (Dr. V. K. John : Why call it 'strange', call it 'stupid'). My hon. Friend always indulges in wrong expressions at the right moment. (Laughter). But knowing him as well as I do, I shall not permit my hon. Friend to be misunderstood. What I wanted to say is this. Is there any country in the world which will define a particular person, who is more or less everywhere, as a person restricted to a particular occupation in a particular district? What does Mattuvaramdar mean? I know of big zamindars like the Raja of Chellapalli, who had two thousand pairs of bulls and who would give them to various people, friends and others, so that they might cultivate the land with these

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bulls. All these persons—the so-called landowners—will now become more or less persons under an obligation to the Mattuvaramdars. It seems to me that we are heading for a precipice. I make bold to say that this pretence of showing sympathy to the so-called landless men is merely a pretence on the part of many people for reasons which I need not go into. The whole structure of justice will be at the peril of these legislators, if we are going to sanction these things. I have no objection whatsoever to every person being given a proper remedy that he deserves. Let us share in an equal measure whatever is required to be shared. My esteemed friend the late Dr. C. R. Reddy once said, 'Democracy consists in sharing in an equal measure all the handicaps that we have got'. Where is the sharing of the handicaps here? That is the definition of democracy given by a very enlightened political leader, which deserves to be pondered over. In the socialistic pattern—and this word has stuck to the Government and cannot be removed except by an operative procedure—the Government feel that everything must be done so as to lead to destruction of everything that is valuable.

I have no doubt whatsoever from another point of view that the passing of this legislation would mean that in course of time the whole production of foodgrains will be jeopardised. It has already been jeopardised. To my knowledge many of the landowners have been selling away their lands. To my knowledge many of the landowners in the Tanjore district have been giving their lands, fortunately for a good purpose. I know collegiate institutions have sprung up from many hundreds of acres of these lands. Buildings are being put up. The whole country is in a state of extreme agitation. What are the Government thinking of? Are we going to bring about a certain amount of solidarity in society or are we going to just disrupt the whole thing and then say, 'We have sowed the wind; let others reap the whirlwind'? That is the position we come to. I tell you that it requires no imagination from anybody. The Government may speak in heroic terms about sympathy for the poor tenant. But I can tell them this. This poor tenant does not need their sympathy. He knows what to do. If the sympathy of the Government is well placed, they can have other measures to satisfy the tenants. I am not going to suggest that the tenant should not be supported or that he should not be shown sympathy. But giving the right to Mattuvaramdar for a share in the produce is something which goes against the very grain of anybody who has just a little bit of imagination and thinking power. I strongly support all that my hon. Friend Sri Balasubramanya Ayyar has said, and I hope that even now this Government will pause and consider. There is nothing wrong in waiting for two months and withdrawing the Ordinance. Let not Government beat a hasty retreat at the first sign of trouble in any one place. We must be firm and deal out justice. I do not want injustice to be done

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to those who deserve justice to be done to them. But they are, I am sure, flying out of the real trouble, the real position, and the real demands of the people, to cope with the situation, and rushing to others of which we are not aware. Step by step we have been slipping back. I am not suggesting that the landholder should have all the lands. Take them away if you like. Nationalise the land. And we knew what nationalisation means today. Do anything you like. But, on the other hand, if you once disrupt what you call the old state of society, and if certain people, who have been to a very large extent fed on foreign methods, believe that this is the best way to root out the bold peasantry that ought to be there to look after your land—this bold peasantry of Oliver Goldsmith includes not only the tenant but the landowner also, who, by mutual co-operation have so long made your fields so fertile and glorious—a day will come when you will not face it, but my children and your children and our grandchildren will face it and that day will not be a thanksgiving day for us from them. (Hear, hear).

* DR. V. K. JOHN : Mr. Chairman, while I strongly support the position taken by my hon. Friend Sri Balasubramanya Ayyar and the Leader of the Opposition, I very deeply sympathise with the position of the Government. My Friends do not seem to appreciate in what great difficulty the Ministers are. The Congress Government believe that they are there essentially for the good of the country. Their aim is good, and they must continue to be in power so that they may render good service to the public. I think they sincerely believe in it. But they have trouble from the Communists and the Socialists. I deal only with the Communists now, because the Hon. Minister referred to the agitation set up by them. Although the Congress have declared that their objective is the establishment of a socialistic pattern of society, they have to deal with the agitation from the Communist Party, and the Communist Party set up an agitation long after the High Court gave a decision. Now, this agitation the Congress Party cannot stand. They must do something to liquidate this agitation. My hon. Friend Sri Balasubramanya Ayyar put up the proposition that the Government might also say that labourers also were tenants and ask them to receive sixty per cent of the produce of the land. I am quite sure the Government will do that. If the Communists agitate that labourers should be given 50 per cent or 60 per cent of the produce of the land, the Government cannot help it. The Congress Party want to be in power. They want to catch the imagination of the large majority of the people. There is the adult suffrage. What is to be done? When the Communist Party set up an agitation, the Government must take the earth out of their feet. The Government must do something more than what the Communists do. I do not think there is any distinction today between the objectives of the Congress Party and those of the Communist

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Party. Perhaps the Congress Party is more leftist than the Communist Party, but the unfortunate difficulty in which our Government are placed is that they have to liquidate the agitation of the Communist Party. I very deeply sympathise with the Government that while they believe that they are the only people who can deliver the goods and serve the community and the nation, they have to contend with these Communists who set up an agitation. This piece of legislation is to meet the agitation set up by the Communists. The Government cannot help it. There is no use of trying to persuade the Government to believe that this is not an equitable piece of legislation. This legislation is really a most expropriatory measure. This Bill is evidence of the fact that the Government had not fully investigated into the tenancies, when they passed the previous legislation a year ago. They have now brought in this legislation, which is expropriatory in character, because the Government are expropriating the landowner. But, Sir, one cannot understand how Government can introduce more than one tenant into a land. There may be in respect of one piece of land people who supply bulls, people who supply water, and people who plough the land. They are all wrongly described as varamdars. Are the Government going to give sixty per cent to every one of them? I interrupted Dr. Lakshmanaswami Mudaliar and said, 'Why do you not call this legislation a stupid legislation?'. The Government do not seem to understand to whom they are going to give this sixty per cent when there is a quarrel between the various varamdars. What is required of these leaders is to lead and not to be led. The Government must bring in a comprehensive agrarian reform. Do not destroy the greatest industry in this country. Agriculture is the occupation of 80 per cent of the people, and the Government will only destroy the agricultural industry if they create confusion, doubt, and uncertainty in the economic structure of the agricultural industry. This is what the Government are doing. I tell you that there is a simple way of solving the agricultural problem. I take pride in having studied the various agrarian reforms in all parts of the world. I tell you the simplest way of doing it is to make the actual cultivator the owner of the soil after paying just compensation to the landlord. You may give it in the shape of bonds or you can give cash. The Government may collect the money later from the tenants in annuities. Let the tenants work, earn money and then repay the money to the Government. It is not a question of charity. It ought to be rehabilitation, not relief. That is the way in which agrarian problems have been solved in all civilised countries in the world. If some person who is not a tenant and who is not a landlord wants to purchase some land for cultivation, it must be possible for him. For instance, in England there is the Small Holdings Act of 1926. This Act helps persons who want to acquire land. According to it, if a person wants to purchase some lands, say, 10 acres or so, he has to apply to the Local Body saying that he has got the necessary experience, inclination and the wherewithal to

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cultivate. The Local Authority acquires the land and gives it to the person. The point is that the Local Body pays the market price to the landholder and collects the same from the person concerned in very easy instalments. We should not fix a ceiling. The Government should not fix a ceiling, take away the excess and distribute the same to their friends who may not have the necessary experience and who may not cultivate the land at all. Let those who want apply to the Government for some acres of land. Let the Government acquire that land from the landholder concerned after paying the market price, allot it to the persons concerned and collect the money from them in easy instalments as is done in England according to the 1926 Small Holdings Act. There they collect it in a period ranging over 60 years. That is the best way of solving the agrarian problem and there is no other way. Even from the economic point of view, it is a waste to keep the relationship between the landlord and the tenant strained. We must always see that there is good relationship between these two. The tenants were getting 40 per cent of the produce. They agitated, and they were given 50 per cent. When they further agitated, they were given 60 per cent. Do you think that agitation will stop? No. They will continue to agitate and demand that they must be given 70 per cent, then 80 per cent and then 100 per cent. That is what will follow because of the present policy of the Government. There is no doubt about that. The Government can never stop the demand and agitation of tenants. The Communist friends are there and they are putting the Government in the wrong. They will begin to say that all the labourers ought to get a share in the respective industries. Everybody will begin to ask for a share in the produce. The Government will be compelled to oblige their Communist friends, because they are afraid that if they do not do so, they will lose votes and they may not come back to power.

THE HON. SRI R. VENKATARAMAN: But then, the other party will come into power!

* DR. V. K. JOHN: Whatever it is, I honestly and sincerely feel that the Government are of the opinion that it is only they that can serve the country well and that others cannot do it. It is not as if they want some money for themselves; they are great patriots. But, they think that they alone can serve the country well. They have introduced adult suffrage. They want that they alone must come back to power and that they should not allow the Communists to get more popularity than they themselves. That is the real trouble now and that is expressed also. I deeply sympathise with the Government who are in this bad position of having to compete with the Communist agitation. Everywhere they are in trouble, particularly in the agrarian field, and also in the industrial field. I only want to appeal to the Government not to expropriate people. That is one thing. Secondly, there should not be an uncertainty in so great an industry as agriculture in our country. Let us know where we stand. If they want to get rid of all landholders and

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landlords and want to take away the lands from them and distribute them as they please, let them say so plainly and let it be understood by the people clearly. Why put a ceiling and all that? Remove all uncertainties. There is so much of uncertainty in the State that people do not know where they stand. I tell you the one object, the primary object of agrarian reforms is to get the largest output from the land. Do not take away your eyes from this wholesome objective. But, what the Government do now and are attempting to do hereafter in effecting a change-over will just have the opposite effect.

Sir, I am very sorry that the Government are bringing forward this kind of legislation to set aside the verdict of the courts. It is a wrong thing to do. It will earn a very bad reputation for any House to pass an enactment of this type to declare as nullity the decision of a Court of Law. It is a very wrong thing to do. If they go on doing this and take the time of the Legislature to set aside the decision of courts, they are going to destroy the independent Judiciary and set themselves above the High Courts and the Supreme Court. It is a very wrong thing to do. I think from that point of view, they ought not to have brought forward this legislation.

* THE HON. SRI M. A. MANICKAVELU : Sir, the courts have got every right to interpret the Statute. But, the Government, when they find that the Statute as it stands does not reflect their intention and object, have got a right to bring forward legislation. We have no quarrel with the courts. The courts have done their duty and we are trying to do our duty according to our light.

* DR. V. K. JOHN : The real truth is that the Government have waited for ten months. For ten months since that decision of the High Court was given, the Government have kept quiet. It is only when the Communists began to agitate that they woke up. That is the real point. So, there is no point in saying now that their intention was different.

* THE HON. SRI M. BHAKTAVATSALAM : It is not so, Sir. All these days, we have been trying to effect a settlement between the parties and in some cases settlements have been arrived at. But when some people were cantankerous and went to courts with writ petitions and obtained injunctions, settlement became impossible. Thus, in spite of the best efforts on the part of the Government, settlement became impossible. It is only under those circumstances that the Government had to think of a legislation like this.

(Deputy Chairman in the Chair.)

* DR. V. K. JOHN : Sir, I appreciate the very good work which the Government are doing in bringing about harmony between the landlords and the tenants and also between the labourers and their employers. But, I only wish to tell the Government that if they

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want to compete with the Communists when they set up an agitation, all their attempts will end in failure. This time the Communists started the agitation and the Government have brought forward this Bill. Even the Tanjore Pannaiyal Protection Bill was brought forward by the Government only after the Communists had started their agitation. The Government and the Party in power have always an eye on the votes and elections. That is the difficulty and trouble. They want to get votes and get re-elected and come to power. There is a feeling that they must see that the Communists do not become popular. That is why they are bringing forward a measure like this which is expropriatory in character. It is a wrong thing to do and it will bring them discredit. The Hon. the Minister for Revenue said that their intention was different. If that is a fact, they could have said that the decision was wrong and brought forward a legislation immediately after the High Court's verdict was given. So, that is not the real fact.

* THE HON. SRI R. VENKATARAMAN : That the interpretation of courts is to be consistent with the intention of the Legislature is the point made by my Hon. Colleague.

* DR. V. K. JOHN : Sir, the three Hon. Ministers opposite have practised the legal profession and I am sure they will know that the fundamental rule of interpretation is to interpret the language used. I would like to ask, 'Why did you not use the proper language when you drafted the previous Bill? Have you not got a drafting section? Has it not advised you properly?' If only they had taken care even in the initial stages and used proper language, there would not have been any necessity to bring forward this legislation after the High Court had given its verdict. That is my point.

THE HON. SRI M. A. MANICKAVELU : In that case, there will be no work for the courts and no work for the lawyers. (Laughter.)

* DR. V. K. JOHN : Does the Hon. Minister suggest that the lawyers thrive only on the mistakes committed by the Government? I do not agree. What I submit is that this kind of legislation will not bring any credit to a Legislature like this.

* SRI N. NAILASENAPATHI SARKARAI MANRADIAR : சனம் உப-தலைவர் அவர்களே, இந்த விஷயம் மிகவும் கவனித்துச் செய்யப்பட்ட வேண்டிய காரியங்களில் ஒன்றாகும். அக்கவிதான் மனோகாலை ஆய்வக் குழுவாக அனுப்ப உத்தேசித்திருக்கிறார்கள். விவராயி என்ற முறையிலே எவ்வளவோ நோடியான கஷ்டங்கள் இருக்கின்றன. விவராயம் செய்வதிலேயும் எவ்வளவோ கஷ்டம் இருக்கிறது. உழைப்பைக் கொடுக்கின்றவர்களுக்கும் கஷ்டம் இருக்கிறது. ஒரு சமூக ரீதியாக அவர்கள் ஒன்று சேர்ந்து இருக்கின்ற காரணத்தினாலே விவராயம் நன்றாக நடந்து வருகிறது. விவராயம் நம் நாட்டில் இன்று, நேற்று வந்ததல்ல. தொன்றதொட்ட நாளாகவே இருந்து வருகிறது. மனிதன் உண்டான காலத்திலிருந்தே, நாம் பூமியை வைத்துக்கொண்டிருக்கின்ற காரணத்தினாலே, உழுது பயிர் செய்பவர்களுக்கும் நமக்கும் "பாந்தல்யம்"

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இருந்த காரணத்தினாலே, விவசாயத்தறை பெருக்கிக்கொண்டே வந்திருக்கிறது. ஆகவேதான் இந்தக் காரியத்தை யோசித்துச் செய்யவேண்டுமென்று சொன்னேன். உற்பத்தி அதிகரிக்கவேண்டும் என்றெல்லாம் நாம் சொல்லிக்கொண்டிருக்கின்ற நோத்தில், இந்த மாதிரியான காரியங்களைக் கவனித்துச் செய்தால்தான் முறையாக இருக்கும்.

4-30
p.m.

இயற்றப்படும் சட்டம் நிச்சி சொந்தக்காரர்களுக்கும் விவசாயிகளுக்கும் இடையே ஒற்றையைய ஏற்படுத்தும் என்பதையும் யோசித்துப் பார்க்க வேண்டும். இப்படிப்பட்ட தகராறு இப்பொழுது திருச்சி ஜில்லாவில் மட்டும் நடக்கிறது என்று நினைக்கக்கூடாது. கோவையில் இந்தத் தகராறு வருமோ என்று கூட்டத் தோன்றுகிறது. இந்த விவாதத்தில் நான் பங்கெடுத்துக் கொள்ளவேண்டும் என்று நினைக்கவில்லை. பிறகு யோசித்துப்பார்த்துத் தீர். ஒருக்கால் கோவைக்கூட இது வந்துவிடுமோ என்று தோன்றியதால் இதில் பேசுவதற்கு முன்வந்தேன். இப்பொழுது இது குனித்தலையில் நடந்து கொண்டிருக்கிறது. அது கோவை ஜில்லாவிற்கு பார்டர் என்று சொல்லக்கூடிய அனலி இருப்பதால், ஒருக்கால் அங்கு வந்தாலும் வரலாம் என்ற ஒரு எண்ணம் எனக்குத் தோன்றுகிறது.

இப்பொழுது சர்க்கார் பல அணைக்கட்டுத் திட்டங்களை எடுத்து நடத்தி வருவதால், பல புஞ்சை நிலங்கள் நஞ்சையாக மாறிக்கொண்டு வருகின்றன. அதனால் இப்படிப்பட்ட தகராறு பலயிபங்களுக்குப் பரவக்கூடிய நிலை ஏற்படுகிறது. ஆகவே, புஞ்சை நிலங்கள் நஞ்சையாக மாறிக்கூடிய இடங்களில் எல்லாம் இது ஏற்படுவதற்கு இடம் இருக்கிறது. இதைக்கொண்டும் பார்க்கும்போது நான் ஒரு சொந்த விவசாயி என்ற காரணத்தால், நான் 100 ஜோடி மாடுகள் வைத்துக்கொண்டிருப்பதால், இதைப்பற்றி நான் பேச வேண்டியதாக இருக்கிறது. இந்தத் தகராறு நமது பண்ணைக்கும் வந்துவிடுமோ என்று தோன்றுகிறது. இப்படி 100 ஜோடி மாடுகளை திருச்சி ஜில்லாவில் வைத்துக்கொண்டிருந்தால், நிறைய சம்பாதித்துக்கொண்டிருக்கலாம் என்கூட்டத் தோன்றுகிறது. அதுவும் கஷ்டம் இல்லாமல். இந்தச் சட்டத்தைப் பார்த்த பிறகு அப்படிப்பட்ட ஒரு ஆசை எனக்கு உண்டாகிறது. ஆகவே இதை செலெக்ட் கமிட்டிக்கு அனுப்புகிறார்கள். அங்கே இதைப்பற்றி நன்றாக யோசித்து நல்ல முறையில் திருத்தியமைக்கவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். செலெக்ட் கமிட்டியிலும் சர்க்கார் விடுக்கொடுக்கத் தயாராக இருக்கவேண்டும். இப்பொழுது போட்டு விட்டாலும் பின்னால் அதிலிருந்து விலகுவதற்கு, வாபஸ் வாங்குவதற்கு, இடம் இருக்கவேண்டும். அந்த விஷயத்தில் எதாகிலும் நன்மையைச் செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

அது மாதிரம் அல்ல, எவ்வளவோ பெரியோர்கள் பேசினார்கள். அவர்கள் ஒவ்வொரு விஷயத்தையும் நன்றாக எடுத்துச் சொன்னார்கள். விவசாயம் செய்வதில் எவ்வளவோ கஷ்டம் இருக்கிறது. இதைப்பற்றிப் பேசிக்கொண்டிருக்கும்போது நடுகிற பெண்களுக்கும் ஏதாவது சலுகைகளைக் கொடுத்திருக்கலாமோ என்று கேட்டேன். மற்றும் சண்ணீர் பாய்ச்சுகிறவர்களுக்கும் ஏதாகிலும் சலுகைகள் சொடுக்கவேண்டும். அவர்களுக்கும் சலுகைகள் கொடுத்திருக்கலாம். மற்றும் எவ்வளவோ பேர்கள் நோடியாக விவசாயத்தில் ஈடுபடுகிறார்கள். ஏற்கெனவே பல சட்டங்களைக் கொண்டுவந்திருக்கிறார்கள். என்னைப் போன்று நோடியாக விவசாயம் செய்யக்கூடியவர்கள் இப்பொழுதுள்ள நிலையைப் பார்த்தால் பண்ணையை வைத்துக்கொண்டு இருக்கிறவர்கள் எல்ல விதத்தில் தங்களுடைய பண்ணையை அபிவிருத்தி செய்வதாக இல்லையென்று தெரிகிறது. நல்ல பண்ணைகளை வைத்துக்கொண்டு விவசாயம் செய்து கொண்டிருந்தவர்கள்கூட விவசாயத்தில் அக்கறை இல்லாமல் இருக்கிறார்கள். தற்போது நான்கு ஏக்கர் வைத்துக்கொண்டு சொந்த விவசாயம் செய்கிறவர்கள்கூட அந்த நான்கு ஏக்கருடன் கூட்டி 1½ ஏக்கர் கூட வாங்குவதாக இல்லை. அப்படி வாங்குவதற்கு அவர்களுக்கு எண்ணம் இப்பொழுது

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வருவதில்லை. அபிவிருத்தி செய்யக்கூடிய எண்ணம் எல்லாம் அவர்களுக்கு இப்பொழுது போய்விட்டது. மற்றும் தங்களுடைய நிலங்களை விற்றுவிடக் கூடிய நிலைமைகூட ஏற்பட்டிருக்கிறது. திருச்சி ஜில்லாவில் நல்ல முறையில் விவசாயம் செய்து வந்தவர்கள் கூட தங்களுடைய நிலங்களை விற்றுவிட்டுப் போக முயன்றுகொண்டிருக்கிறார்கள். யார் நாற்றுப் பிடுங்குவது, யார் தானியங்களை அடிப்பது, யார் எருப்போடுவது எனெல்லாம் கேட்கப்படுகிறது. இப்பொழுது பல இடங்களில் கதிர் அறுப்பதில் பல தகராறுகள் வந்து நிலத்திலேயே பயிர் சாய்ந்துபோய் தானியங்கள் எல்லாம் சேதமாகிக் கொண்டிருக்கின்றன. பல இடங்களில் பயிர்கள் அழிந்து கொண்டிருப்பதை நான் நேரில் பார்த்திருக்கிறேன். அங்கெல்லாம் எலப் பொந்துகளுக்குத்தான் தானியங்கள் போகவேண்டிய நிலைமை ஏற்படும். இப்படியெல்லாம் கஷ்டங்கள் இருப்பதால் இந்தச் சட்டத்தை யோசித்துச் செய்யவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். விவசாயத்தை நல்ல முறையில் நடத்துகிறவர்களுக்கும், சொந்தமாக நிலத்தை வைத்துக்கொண்டிருக்கிறவர்களுக்கும் ஒற்றுமையான சூழ்நிலையை ஏற்படுத்திக்கொடுக்கவேண்டும் என்று சர்க்காரை நான் கேட்டுக் கொண்டு என்னுடைய வார்த்தைகளை இத்துடன் முடித்துக்கொள்ளுகிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Mr. Deputy Chairman, I admit this is a ticklish problem. But we have to consider the trend of the times. Inroads are now being made into property rights. It may be asked what right we have to say that a tenant should not be evicted from the land. The landowner is called a lord. He is the lord of the land and he has got sole proprietary rights. He can have anyone as his tenant according to his choice. But legislation has now stepped in to say that the tenant must have fixity of tenure. It is so here as well as in the neighbouring States also. First, we thought it might be there for a brief period. But, ultimately, permanent fixity has been given. The Constitution and the law courts have approved of this principle because it is in the interests of a vast majority of the people. I admit these are inroads into our proprietary rights. But the courts and the Constitution have said that these cannot be questioned. In such a situation, what the Government did was to see that the tenants were not evicted and that they had fixity of tenure. This cannot be done except by legislation. Now, Sir, I shall come to the point that the persons who are sought to be protected under this Bill are not tenants. It is stated that they are casual labourers. Others say that they are a sort of tenants. Some others say that they are full-fledged tenants. There is a difference of opinion about it.

(Mr. Chairman in the Chair.)

Sir, there are some people who plough with bullocks lent. They are called kaieruvaramdars. There are others who supply the bullocks also and they are called matteruvaramdars. There are also some people called 'neerkattis', who water the fields. There are cases in which all these functions are combined in one man.

SRI K. BALASUBRAMANYA AYYAR : They are remunerated for separately.

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* THE HON. SRI M. A. MANICKAVELU : Yes, they are remunerated for separately. These different pieces of work are done by different categories of persons and also by one man. In addition, they do weeding also for which they are remunerated. So, they have developed from mere casual labourers to very near tenants. Practically they do the whole cultivation.

DR. V. K. JOHN : May I ask if there are more than one varamdar supplying water, animals and the plough for the same plot of land?

* THE HON. SRI M. A. MANICKAVELU : Yes; that is why I called this a ticklish problem. When there is such a multiplicity of persons, difficulty arises as to who should be called the tenant.

DR. V. K. JOHN : You put lots!

* THE HON. SRI M. A. MANICKAVELU : That is why we request the help of learned lawyers in the Select Committee. There is a multiplicity of people and it is quite a problem as to who should be called the tenant. We cannot sit idle when there is an upheaval—economic, social and political—and allow the parties to do what they like. The Government were asked why they didn't bring in this legislation early. Now, the Government thought that the matter could be settled and they also made certain arrangements. The Hon. the Home Minister was there, and some others also visited the area.

SRI K. BALASUBRAMANYA AYYAR : The work was done very well. The work in regard to reconciliation was very good. You could have done similarly in this case also.

* THE HON. SRI M. A. MANICKAVELU : I thank the hon. Member for small mercies. The matter was actually settled. There were two political parties working there. One political party was the D.M.K. The other party is the Communist Party whose tactics are well-known. There was an incident in Musiri.

The Communists induced them and urged them to hoist the red flag on the land. They committed some atrocities there. We can't tolerate all that is happening there. That is a different thing. That is what I have been telling the House. The Government passed the previous legislation in order to see that there was no agrarian upheaval or agrarian unrest on account of their being ousted from their legitimate profession which they had been carrying on for generations. Now in implementing that policy, we come across certain difficulties. We honestly thought that the sort of cultivation prevailing there would amount to "very near tenancy stage". But on further elucidation, we saw this multiplicity of workers and all these difficulties.

But granting that these people do not come under the regular "cultivating tenant", does not the State owe a duty to the people to see that peace and calm prevail? It is only in this view that

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the Government have come forward to see that there is no unrest or that there is no danger to law and order. I, therefore, request the hon. Members to extend their co-operation and all possible help in this matter.

DR. V. K. JOHN : We can always look upon the Hon. Sri Manickavelu for co-operation and the Hon. Minister can also hope to have co-operation from all of us. (Hear, hear.)

* THE HON. SRI M. A. MANICKAVELU : Suppose there was a lock-out in a mill. The Government interfere to settle it. In the same way, here also, if the people deserve it, the Government come forward to give remedy in order to avoid agrarian unrest.

In certain countries there is the system of unemployment doles. People do not do any work. But still they give them the unemployment doles. In the same way, Sir, here also in order to avoid any big agrarian unrest, the people who work on the land, are made part and parcel of the land. Some relief has, therefore, to be given. The wages are paid to them by way of grains, i.e., crop sharing. We have to examine carefully, come to a proper decision and arrive at the proper legal phraseology, with the help of the eminent lawyers.

To claim 60 per cent irrespective of the fact that the landlord has borne all the cultivation expenses is wrong.

MR. CHAIRMAN : The question is—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman,
- 2 Sri K. Balasubramanya Ayyar,
- 3 Sri T. P. Srinivasavaradan,
- 4 Sri T. V. Devaraja Mudaliar,
- 5 Sri T. S. Arunachalam,
- 6 Sri A. Somasundara Reddiar,
- 7 Sri A. Krishnaswamy Vandayar,
- 8 Sri T. S. Sankaranarayana Pillai.”

The motion was put and carried.